

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 257

Introduced by Assembly Member Adams

February 11, 2009

An act to add ~~Chapter 5.5 (commencing with Section 17401) to Division 17 of Section 16001~~ to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 257, as amended, Adams. Elections: ~~election incidences and reporting~~ irregularities.

Existing law prohibits the corruption of the voting process, as prescribed.

This bill would require a county elections official to report to the Secretary of State, not later than 30 days following the official canvass for a statewide election, all election incidences and irregularities that occur during the preparation for and conduct of the statewide election or during the official canvass for the statewide election. The bill would define “election incidences and irregularities” to include, but not be limited to, documented complaints or reports of voter fraud; documented complaints or reports of voter intimidation; documented complaints or reports of the failure, malfunction, or improper usage or operation of an electronic voting machine or paper ballot; or documented complaints or reports of incidents resulting in voter disenfranchisement.

Because the bill would require a higher level of service from a county elections official, it would impose a state-mandated local program.

Existing law provides procedures and requirements for contesting the results of an election.

This bill would require the Secretary of State to establish a uniform report that elections officials would use to document election day incidents and voting irregularities that could be used in contested elections.

Because this bill would change or expand the duties of local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

~~SECTION 1. Chapter 5.5 (commencing with Section 17401)~~
~~is added to Division 17 of the Elections Code, to read:~~

~~CHAPTER 5.5. STATEWIDE ELECTION INCIDENCES AND~~
~~IRREGULARITIES~~

~~17401. (a) A county elections official shall report to the~~
~~Secretary of State all election incidences and irregularities that~~
~~occur during the preparation and conduct of a statewide election~~
~~or during the official canvass for the statewide election.~~

~~(b) For purposes of this section, "election incidences and~~
~~irregularities" includes, but is not limited to, documented~~
~~complaints or reports of voter fraud; documented complaints or~~
~~reports of voter intimidation; documented complaints or reports~~
~~of the failure, malfunction, or improper usage or operation of either~~
~~an electronic voting machine or a paper ballot, whether cast by~~
~~vote by mail or at a polling place; or documented complaints or~~
~~reports of incidents resulting in voter disenfranchisement.~~

1 ~~(e) The report required by this section shall be submitted to the~~
2 ~~Secretary of State not later than 30 days following the official~~
3 ~~c canvass for the statewide election.~~

4 ~~(d) Nothing in this section shall inhibit the ability of a county~~
5 ~~elections official or his or her staff from providing communications~~
6 ~~regarding election incidences and irregularities to the Secretary of~~
7 ~~State in a more timely or frequent manner than that required by~~
8 ~~subdivision (e).~~

9 ~~(e) In complying with this section, a report by a county elections~~
10 ~~official shall be submitted to the Secretary of State on a form which~~
11 ~~shall be created and approved by the Secretary of State. A county~~
12 ~~elections official shall submit his or her report to the Secretary of~~
13 ~~State in both written and electronic form.~~

14 ~~(f) The Secretary of State shall review the report submitted by~~
15 ~~the county elections official pursuant to this section and may take~~
16 ~~action that the Secretary of State deems appropriate with available~~
17 ~~existing funds.~~

18 *SECTION 1. Section 16001 is added to the Elections Code, to*
19 *read:*

20 *16001. (a) The Secretary of State shall establish a uniform*
21 *reporting format to collect information from county elections*
22 *officials relating to election day incidents and irregularities that*
23 *occur during the casting of ballots in a regularly scheduled*
24 *statewide election.*

25 *(b) For purposes of this section, "election day incidents and*
26 *irregularities" includes documented complaints or reports of any*
27 *of the following:*

28 *(1) Voter fraud.*

29 *(2) Voter intimidation.*

30 *(3) The failure, malfunction, or improper usage or operation*
31 *of either an electronic voting machine or a paper ballot, whether*
32 *cast by mail or at a polling place.*

33 *(4) Incidents resulting in voter disenfranchisement.*

34 *(c) The Secretary of State shall make the reports submitted by*
35 *county elections officials pursuant to subdivision (a) publicly*
36 *available on his or her Internet Web site.*

37 *SEC. 2. If the Commission on State Mandates determines that*
38 *this act contains costs mandated by the state, reimbursement to*
39 *local agencies and school districts for those costs shall be made*

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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